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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,696	08/19/2003	Chia-Wei Liao	LAIO3001/EM	2746
23364	7590	02/03/2005	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			VU, PHUONG T	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/642,696

Applicant(s)

LIAO, CHIA-WEI



Examiner

Phuong T. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2,4-6 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. 103(a) as being unpatentable over Gore et al. (US 5,495,399). Regarding claim 1, the reference discloses an EMI (electromagnetic interference) protective cover 100 for installation in a circuit board to protect electronic components of said circuit board against electromagnetic interference, comprising a bottom cover shell 110 for covering on a circuit board 205 over electronic components at the circuit board, said bottom cover shell having a plurality of vertical peripheral walls 111 around the border of a top wall thereof, and a plurality of stub pins 122 perpendicularly outwardly extended from said vertical peripheral walls; and a top cover shell 160 detachably covered on said bottom cover shell, said top cover shell comprising a plurality of springy mounting lugs (167, 2 of 4 shown) and smoothly arched

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springy retaining lugs (167, second set of 2) perpendicularly downwardly extended around four sides thereof and respectively pressed on the vertical peripheral walls of said bottom cover shell, said springy mounting lugs each having a pin hole 122 respectively forced into engagement with the stub pins of said bottom cover shell.

Alternatively, if it were argued that the projections 122 could not be designated as stub pins, it would have been obvious to those skilled in the art at the time the invention was made to form the projections into more defined pin shapes so that the top and bottom shells would be interlocked more securely and with better precision since the pin shape would make it more difficult for the top cover shell to shift while connected to the bottom cover shell while preserving the ability to detach and reattach the top cover shell to the bottom cover shell.

Regarding claim 2, said top cover shell comprises a plurality of holes 162 extended through a top wall thereof, and a stop member (unlabeled downwardly projection wall of top cover shell) for pressing on the bottom cover shell. In the above-mentioned combination where the projections 122 are pin shaped, the plurality of holes extending through a top wall of the top cover shell would necessarily be round to correspond with the pin shaped projections.

Regarding claim 4, the bottom cover shell has a plurality of through holes and an inspection hole 130 through the top wall and vertical peripheral walls of said bottom cover shell.

Regarding claim 5, the cover is not shown to have a symmetrical shape, however, it has been decided that matters relating to ornamentation only which have no

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mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art. In re Seid, 161 F.2d 229, 73 USPQ 431 (CCPA 1947). Furthermore, it is known to use various shaped covers in EMI shielding applications, including square covers which are symmetrical and would necessarily provide said springy mounting lugs and said springy retaining lugs symmetrically disposed at opposite sides.

Regarding claim 6, said springy mounting lugs and said springy retaining lugs are alternatively disposed at opposite sides.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. 103(a) as being unpatentable over McCoy, Jr. et al. (US 5,014,160). Regarding claim 1, the reference discloses an EMI (electromagnetic interference) protective cover for installation in a circuit board to protect electronic components of said circuit board against electromagnetic interference, comprising a bottom cover shell 30 for covering on a circuit board 10 over electronic components at the circuit board, said bottom cover shell having a plurality of vertical peripheral walls 34 around the border of a top wall thereof, and a plurality of stub pins 36 perpendicularly outwardly extended from said vertical peripheral walls; and a top cover shell detachably covered on said bottom cover shell 20, said top cover shell comprising a plurality of springy mounting lugs (24, alternating ones of the plurality shown) and smoothly arched springy retaining lugs (24, remaining ones) perpendicularly downwardly extended around four sides thereof and respectively pressed on the vertical peripheral walls of said bottom cover shell, said springy mounting lugs each having a pin hole 26

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respectively forced into engagement with the stub pins of said bottom cover shell.

Alternatively, if it were argued that the projections 36 could not be designated as stub pins, it would have been obvious to those skilled in the art at the time the invention was made to form the projections into more defined pin shapes so that the top and bottom shells would be interlocked more securely and with better precision since the pin shape would make it more difficult for the top cover shell to shift while connected to the bottom cover shell while preserving the ability to detach and reattach the top cover shell to the bottom cover shell.

***Allowable Subject Matter***

5. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong T. Vu whose telephone number is (571) 272-2111. The examiner can normally be reached on Mon. & Tues., 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kammie Cuneo can be reached on (571) 272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Phuong T. Vu', with a long horizontal flourish extending to the right.

Phuong T. Vu  
Patent Examiner  
Group 2841